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# DEPARTMENT OF HEALTH AND SOCIAL SERVICES (DHSS)



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## **Health Resources Board (HRB)**

Elisabeth Massa, Executive Director  
Delaware Health Care Commission (DHCC)

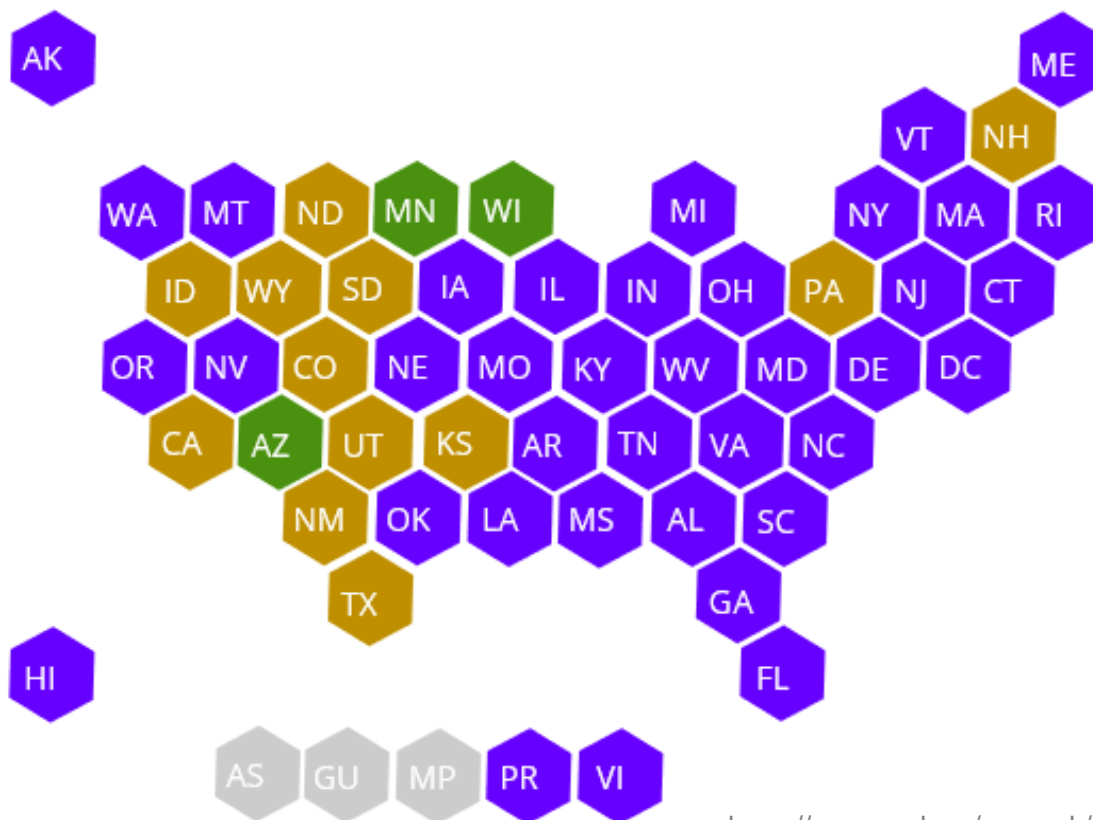
# HISTORY

- 1975: National Health Planning and Resources Development (NHPRDA) Act required all 50 states to convene oversight agencies and Certificate of Need (CON) programs
- 1978: Delaware's CON codified through House Bill 956 and placed within DHSS, Bureau of Health Planning and Resources Development
- 1987: NHPRDA repealed along with associated funding and Delaware's CON program became the Health Resources Management Council.
- 1994: House Bill 331 established Health Resources Board (HRB)
- 1999: CON replaced with Certificate of Public Review (CPR)
- 2012: HRB administrative support moved under DHSS, Office of the Secretary, DHCC and reviewed by Joint Sunset Committee



# CERTIFICATE OF NEED (CON) STATES

## Certificate of Need State Laws



### Legend

	CON program in place
	Variation on CON program* (click on map for details)
	No CON program
	No data



# PURPOSE

- Foster cost-effective and efficient use of health care resources and the availability of and access to high quality and appropriate health care services
- Protect statewide health care infrastructure necessary to meet expected and projected health care needs of all Delawareans.
- Assure there is continuing public scrutiny of certain health-care developments
  - Public scrutiny is to be focused on balancing concerns for cost, access, and quality
- Improve geographic and economic access to care for residents in Delaware



# BOARD COMPOSITION

- 15 members (Chair, Vice Chair, and 13 other members)
- All members appointed by Governor
- Appointments 3-year term
  - Appointments staggered so no more than 5 appointments shall expire annually.
  - Governor may appoint for a term less than 3-years to ensure board members' terms expire on staggered basis
- Members represent all counties of the State and independent public



# CURRENT HRB BOARD

Name	Appointment Designation
Brett Fallon	Chair and Public at Large
Edwin Barlow	Public at Large
Theodore Becker	DHCC representative
Elizabeth Brown	DHSS representative
Michael Hackendorn	Labor representative
Cheryl Heiks	Long-term care administration representative
Leighann Hinkle	Representative involved in purchasing health-care coverage on behalf of State employees
Vincent Lobo	Licensed to practice medicine in DE representative
Julia O'Hanlon	Public at Large
Pamela Price	Health insurance industry representative
Margaret Strine	Public at Large
Mark Thompson	Health care administration representative
John Walsh	Public at Large
VACANT	Representative of a provider group other than hospitals, nursing homes or physicians
VACANT	Representative involved in purchasing health care coverage for employers with more than 200 employees
VACANT	Vice Chair

Quorum consists of at least 50% of the membership (8 members)

# BOARD DUTIES AND RESPONSIBILITIES

1. Develop a Health Resources Management Plan (HRMP)
2. Review CPR applications
3. Gather and analyze data and information needed to carry out its responsibilities
4. Address specific health care issues as requested by Governor or General Assembly
5. Adopt bylaws as necessary for conducting affairs
6. Coordinate activities with DHSS, DHCC, and other groups appropriate



## RECENT HRB ACTIVITY: CPR APPLICATIONS

<b>Calendar Year</b>	<b>CPR Applications received</b>	<b>CPR Applications approved</b>	<b>CPRs issued</b>	<b>CPR Applications rejected</b>	<b>CPR Applications withdrawn</b>
<b>2017</b>	5	5	5	0	0
<b>2018</b>	8	8	8	0	0
<b>2019</b>	4	2	2	1	1
<b>2020</b>	1	3	3	0	0



## RECENT HRB ACTIVITY: MEETINGS

Calendar Year	HRB Meetings	Public Hearings	Review Committee Meetings	Total
2017	5	1	8	14
2018	8	1	7	16
2019	7	2	1	10
2020	1	0	4	5

# FISCAL YEAR 2020 HRB BUDGET

- Annual Budget \$44,700 (\$39,500 for contractual, \$5,200 for supplies)
- Revenue from filing fees (by calendar year):
  - 2017: \$39,100
  - 2018: \$40,100
  - 2019: \$80,600
  - 2020: \$7,500



# 2012 SUNSET REVIEW AND RECOMMENDATIONS

1. Administrative and budgetary purposes, HRB relocated to DHSS/DHCC
2. Amend 16 Del C. § 9303 (c) - DHSS/DHCC responsible for administration and staffing
3. HRB reduced from 21 members to 15 members
4. Amend 16 Del C. § 9303 (d) – Require that when revising the HRMP, the Board shall conduct a public hearing
5. Amend 16 Del C. § 9303 (d) – HRMP should be reviewed and approved by DHCC prior to submission to DHSS Secretary for final written approval
6. Amend 16 Del C. § 9304 – Clarify only for-profit acquisitions of a nonprofit health care facility area subject to CPR process



# 2012 SUNSET REVIEW AND RECOMMENDATIONS

7. Amend 16 Del C. § 9303 to include Governor may remove a Board member
8. HRB with assistance from DHSS/DHCC shall conduct a comprehensive review of 16 Del C. c. 93 and the CPR program
9. HRB shall review and revise as needed the conflict of interest definition enumerated in the by-laws
10. HRB with assistance from DHSS/DHCC shall undertake a comprehensive review of the HRMP
11. HRB shall review and revise current by-laws governing the Board to ensure consistency with Chapter 93
12. HRB shall develop a toolkit for the CPR process



# ACCOMPLISHMENTS

- 10 of the 12 recommendations from the 2012 Sunset review have been completed (HRMP and by-laws revised)
- Since 2017, the Board has reviewed and rendered decisions on 20 CPR applications
- Adopted a more efficient nursing home (NH) bed need methodology to calculate NH bed projections
- In 2019, developed policies and procedures for the Board's first reconsideration hearing



# CHALLENGES

1. Recusals
2. Board vacancies (including Vice Chair position)
3. Appeals to Superior Court
4. Board decisions can be overturned by the General Assembly



# OPPORTUNITIES

1. Evaluate purpose and need of the CPR process
2. Fill vacancies or remove positions that have been historically vacant
3. Evaluate Board size and composition
4. Revise statutory language to clarify definition of quorum
5. Explore impact of including Assisted Living Facilities, Urgent Care, home health agencies, and hospice in the CPR process
6. Review and update the filing costs for capital expenditures



THANK YOU



Contact the DHCC: (302) 739-2730  
[DHCC@delaware.gov](mailto:DHCC@delaware.gov)

